

CHAPTER #14 ZONING ORDINANCES

PART #1. INTENT AND PURPOSE.

1401.01. Intent. An ordinance for the purpose of promoting health, safety, order, convenience and general welfare, by regulating the use of land, the location and use of buildings and the arrangement of buildings on lots, and the density of population in the city of Pierz, Minnesota. The city council of the city of Pierz, in the county of Morrison, state of Minnesota, does ordain as follows.

1401.02. Purpose. Pursuant to the authority conferred by the state of Minnesota in Section 462.357, as amended, and for the purpose of:

Subd. 1. Promoting and protecting the public health, safety, and general welfare of the residents of the incorporated area of the city of Pierz, Minnesota;

Subd. 2. Protecting and preserving the physical character, social, and economic stability of residential, commercial, industrial and other use areas;

Subd. 3. Securing the most appropriate use of land;

Subd. 4. Preventing the overcrowding of the land and undue congestion of population;

Subd. 5. Providing adequate light, air and reasonable access;

Subd. 6. Facilitating adequate and economical provision of transportation, water supply and sewage disposal;

Subd. 7. Planning for location of schools, recreation facilities and other requirements;

Subd. 8. Providing for the protection of access to direct sunlight for solar systems.

1401.02. Jurisdiction. The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Pierz, Minnesota.

1401.03. Application and Interpretation. In their application and interpretation, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

1401.04. Severability. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

1401.05. Lots of record. All lots which are a part of a subdivision legally recorded with the Morrison County Recorder, and a lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to the passage of this Ordinance shall be considered to be Lots of Record.

PART #2. RULES AND DEFINITIONS.

1402.01. Rules. For purposes of this Ordinance, words used in the singular number includes the plural, and the plural the singular, the present tense includes the past and the future tenses and the future the present, the word “shall” is mandatory and the word “may” is permissive, all measure distances shall be to the nearest integral foot, whenever a word or term defined herein after appears in the text of this Ordinance, its meaning shall be construed as set in such definition thereof.

1402.02. Definitions. For the purpose of this Ordinance, certain words and terms are herein defined:

Subd. 1. **Apartment:** A room or suite of rooms which is designed for, intended for or occupied by one family and equipped with cooking facilities.

Subd. 2. **Block:** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and unsubdivided acreage.

Subd. 3. **Building, accessory:** A subordinate building, the use of which is incidental to that of a main building on the same lot.

Subd. 4. **Building height:** The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Subd. 5. **Building, principal:** A building in which is conducted the principal use of the lot upon which it is situated.

Subd. 6. **Court:** An open, unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

Subd. 7. **Conditional use:** A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a Conditional Use Permit may be granted.

Subd. 8. **Dwelling:** A building or portion thereof used exclusively for residential occupancy, including one-family, two-family, and multiple dwellings but not including hotels, or lodgings or boarding houses.

Subd. 9. **Dwelling, single family:** A building used exclusively for occupancy by one family.

Subd. 10. **Dwelling, two family:** A building used exclusively for occupancy by two families living independently of each other.

Subd. 11. **Dwelling, multiple:** A building or portion thereof used for occupancy by three or more families living independently of each other.

Subd. 12. **Dwelling unit:** A dwelling or portion of a dwelling or of an apartment used by one family for cooking, living and sleeping.

Subd. 13. **Essential services:** The phrase “essential services” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection there with (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Subd. 14. **Family:** A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

Subd. 15. **Garage, private:** An accessory building primarily used for the storage of self-propelled vehicles.

Subd. 16. **Garage, public:** Any premises, except those herein defined as a private or storage garage, used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

Subd. 17. **Group home:** A state licensed group home or foster home servicing six (6) or fewer mentally or physically handicapped persons.

Subd. 18. **Home occupations:** Any gainful occupation or profession, engaged in by the occupant of a dwelling unit, within said dwelling unit or within any lawfully existing accessory structure, which occupation is clearly incidental to the residential use of the premises. Such activity shall not produce light glare, noise, odor or vibration perceptible beyond the boundaries of the premises and shall not involve the use of accessory structures. The following are examples of prohibited uses:

- a. Repair, service or manufacturing which requires equipment other than that customarily found in a home.
- b. Over-the-counter sale of merchandise produced off the premises, or
- c. The employment of persons on the premises, other than those customarily residing on the premises. The above examples are illustrative in nature and shall not be construed as comprehensive.

Subd. 19. **Hotel:** Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in an individual room or apartment.

Subd. 20. **Junk yard:** Land or buildings used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

Subd. 21. **Lot:** Land occupied or to be occupied by a building and its accessory building or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a building frontage on a street.

Subd. 22. **Lot, corner:** A lot situated at the intersection or immediately abutting two or more intersecting streets or bounded on two or more adjacent sides by street lines.

Subd. 23. **Lot, interior:** A lot other than a corner lot.

- Subd. 24. **Lot, key:** The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.
- Subd. 25. **Lot, width:** The shortest horizontal distance between the side lot lines measured at the building setback line.
- Subd. 26. **Mobile home:** Means a structure transportable in one or more sections, which when erected on site measures eight (8) body feet or more in width and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label, certifying that the mobile home meets Federal Mobile Home Construction and Safety Standards.
- Subd. 27. **Non-conforming use:** A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not-conforming if it would be authorized under special use permit where located.
- Subd. 28. **Salvage yard:** Land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled, recycled, or handled, including, but not limited to, scrap metal, oil, antifreeze, freon, rags, paper, hides, rubber products, glass products, lumber products, computer, appliances, and products resulting from the wrecking or dismantling of motor vehicles and the storing of wrecked or dismantled motor vehicles.
- Subd. 29. **Solar energy system:** A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling of buildings and other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy.
- Subd. 30. **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- Subd. 31. **Structure:** Anything constructed or erected, the use, which requires location on the ground or attachment to something having location on the ground.
- Subd. 32. **Structural alterations:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

- Subd. 33. **Townhouse:** Single family attached units in structures housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall and each dwelling unit shall have separate and individual front and rear entrances.
- Subd. 34. **Use:** The purpose, for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.
- Subd. 35. **Use, accessory:** A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.
- Subd. 36. **Used motor vehicle:** Any vehicle which has minor or no damage, including but not limited to; theft vehicles, water or flood damaged vehicles, storm damaged vehicles, repossessed vehicles, repairable vehicles, and any other vehicle providing the vehicle has minor or no damage.
- Subd. 37. **Variance:** The waiving of specific literal provisions of the zoning Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of the zoning Ordinance. Hardship must be demonstrated on a non-economic basis and may include the inability to use solar energy systems.
- Subd. 38. **Yard:** An open space on the lot which is unoccupied and unobstructed by buildings or structures from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
- Subd. 39. **Yard, front:** A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.
- Subd. 40. **Yard, rear:** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
- Subd. 41. **Yard, side:** A yard between the sideline of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

PART #3. ESTABLISHMENT OF DISTRICTS.

1403.01. Establishment of Districts. For the purpose of this Ordinance the city of Pierz is divided into use districts as shown on the accompanying map entitled Zoning Map of Pierz, Minnesota. The attached map is hereby made a part of this Ordinance. Any land annexed to the City in the future shall be placed in the Rural Residential district until placed in another district by action of the City Council.

1403.02. Prohibitions in Districts. In each district, land and structures shall be used only for purposes listed by this Ordinance as permitted in the district. In each district every building hereafter erected or structurally altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the height specified in this Ordinance for the district. No open space or lot required for a building shall during its existence be occupied by or counted as open space for another building.

1403.03. District Classifications. The following district classifications are hereby established within the City of Pierz;

- a. R-1 Medium Density Single-Family Residential District (YELLOW)
- b. R-2 Greater Density Single-Family Residential District (ORANGE)
- c. R-3 Multi-Family Residential District (BROWN)
- d. R-4 Low Density Single-Family Residential (LIGHT YELLOW)
- e. M-H Manufactured Home (PURPLE)
- f. C-1 Community Commercial District (RED)
- g. C-2 Highway Commercial District (PINK)
- h. I-1 General Industrial District (GRAY)
- i. S-E School/Educational (BLUE)

1403.04. Opt-Out of Minnesota Statutes, Section 462.3593.

Subd. 1: Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Pierz opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.”

PART#4. PLANNED UNIT DEVELOPMENT.

1404.01. Purpose. The purpose of this part is to provide for the grouping of land parcels for development as an integrated, coordinated unit in a manner which emphasizes flexibility of design of land under single or unified ownership, developed with community or public sewer and water systems, and through clustering of buildings and activities. It is further intended that Planned Unit Developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space, and other similar facilities, and a harmonious selection and efficient distribution of uses. Planned unit developments regulated under this section may be applied to residential uses when in keeping with the regulations provided within this Ordinance.

1404.02. General Regulations.

Subd. 1. The minimum area of land to be included in a Planned Unit Development shall be two (2) acres.

Subd. 2. As a result of a Planned Unit Developments integrated character, the number of dwelling units allowed within the respective zoning district may be increased by five (5) percent. The development shall provide that twenty-five (25) percent of the land, specifically lakeshore or river area, be reserved for use of the entire development and that the remainder of any shoreline shall be left in a natural state. The parking and similar requirements of these extra units shall be observed in compliance with this Ordinance.

Subd. 3. It is the intent of this section to require subdivision of property simultaneous with an application for a Conditional Use Permit. The subdivision of land as a Planned Unit Development shall be the same as imposed in the respective district.

Subd. 4. Private roadways within the project shall have an improved surface to twenty (20) feet or more in width. No portion of the required twenty (20) feet road system may be used in calculating required off-street parking space.

1404.03. Administrative Procedure. The proponents of a Planned Unit Development shall follow Chapter 13 Part #6 titled Subdivisions.

1404.04. Property Control.

Subd. 1. In order that the purposes of this part may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.

Subd. 2. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or any equivalent document shall be filed with the City Clerk for approval as part of the Conditional Use Permit, prior to filings of said declaration or document with the recording offices of Morrison County.

Subd. 3. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.

Subd. 4. The declaration of covenants, conditions and restrictions shall provide that an owners' association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners' proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owners through establishing effective private control.

Subd. 5. The declaration shall additionally provide that in the event the association or corporation fails to pay taxes or assessments on properties as they become due, then the City of Pierz shall have the right to assess each property its pro-rata share of said expenses. Such assessment together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such cost of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

PART #5. (R-1) MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

1405.01. Purpose. It is the intent of this district to permit the development of single-family and two-family dwellings in the community where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

1405.02. Permitted Uses.

Subd. 1. Permitted uses as specified by Section 1413.10 are permitted.

Subd. 2. Single and Two-family dwellings.

Subd. 3. Public Parks, Playgrounds, and Essential Services

1405.03. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1414.06 of this Ordinance:

Subd. 1. Conditional uses as specified by Section 1413.10 of this Ordinance.

Subd. 2. Other conditional uses determined by the Planning & Zoning Commission to be of the same general nature and character as the principal uses listed for this zoning district, and found not to be detrimental to the general public health, safety, moral, and community character.

Subd. 3. Residential Planned Unit Developments regulated by Part 4.0 of this Ordinance.

1405.04. Permitted Accessory Uses.

Subd. 1. Private Garages, parking spaces and car ports for passenger cars, trucks, recreational vehicles and equipment.

Subd. 2. Home Occupations. (With a conditional use permit).

Subd. 3. Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.

Subd. 4. One Sign associated with a home occupation not exceeding three (3) square feet in area.

1405.05. (R-1) Lot Requirements Lot, Yard, Area, and Height Requirements.

Subd. 1. Lot Requirements:

Lot Area		
Single and Two-family		
Platted Lot	(Minimum)	15,000 Sq. Feet 8,000 Sq. ft. for all lots recorded prior to the date of the adoption of this ordinance
Lot Width	(Minimum)	50 Feet
Lot Coverage	(Maximum)	40%
Side Yard, Setback	(Minimum)	10 Feet
Front Yard, Setback	(Minimum)	30 Feet from ROW (Local)
Rear Yard, Setback	(Minimum)	10 Feet
Building Height	(Maximum)	35 Feet or 2 ½ Stories

Subd. 2. Consistency: Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection. Front and side yard setbacks shall be 30 feet.

Subd. 4. Residential buildings must have a minimum width of 24 feet.

PART #6. (R-2) GREATER DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

1406.01. Purpose. It is the intent of this district to provide for greater density of single-family dwelling unit structures and directly related complementary uses where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

1406.02. Permitted Uses

Subd. 1. Permitted uses as specified by Section 1413.10 are permitted.

Subd. 2. Single and two-family dwelling units.

Subd. 3. Public Parks, Playgrounds, and Essential Services

Subd. 4. Assisted living homes, rest homes.

1406.03. Permitted Accessory Uses.

Subd. 1. All permitted accessory uses as allowed in an R-1 Single and Two-family Residential District.

Subd. 2. Off-street loading and parking.

1406.04. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1414.06 of this Ordinance:

Subd. 1. **Conditional uses as specified by Section 1413.10.**

Subd. 2. Townhouses and Residential Planned Unit Developments regulated by Part 4 of this Ordinance.

Subd. 3. Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.

1406.05. (R-2) Lot Requirements Lot, Yard, Area, and Height Requirements.

Subd. 1. **Lot Requirements:**

Lot Area		
Single and Two-family		
Platted Lot	(Minimum)	12,000 Sq. Feet
Lot Width	(Minimum)	50 Feet
Lot Coverage	(Maximum)	50%
Side Yard, Setback	(Minimum)	8 Feet
Front Yard, Setback	(Minimum)	30 Feet from ROW (Local)
Rear Yard, Setback	(Minimum)	10 Feet
Building Height	(Maximum)	35 Feet or 2 ½ Stories

Subd. 2. Consistency: Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection. Front and side yard setbacks shall be 30 feet.

Subd. 4. Residential buildings must have a minimum width of 24 feet.

PART #7. (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT.

1407.01. Purpose. It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

1407.02. Permitted Uses.

Subd. 1. Permitted uses as specified by Section 1413.10 are permitted.

Subd., 2. Multiple-family dwelling units.

Subd. 3. Boarding and rooming houses.

Subd. 4. Nursing homes, rest homes.

1407.03. Permitted Accessory Uses.

Subd. 1. All permitted accessory uses as allowed in an R-1 Single and Two-family Residential District.

Subd. 2. Off-street loading and parking.

1407.04. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1414.06 of this Ordinance:

Subd. 1. Conditional uses as specified by Section 1413.10.

Subd. 2. Townhouses and Residential Planned Unit Developments regulated by Part 4 of this Ordinance.

Subd. 3. Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.

1407.05. (R-3) Lot Requirements Lot, Yard, Area, and Height Requirements.

Subd. 1. Lot Requirements:

Lot Area		
Single and Two-family		
Platted Lot	(Minimum)	15,000 Sq. Feet 8,000 Sq. ft. for all lots recorded prior to the date of the adoption of this ordinance
Townhouses	(Minimum)	5,000 Sq. Feet per Townhouse
Multiple-Family	(Minimum)	2000 Sq. Feet per Unit
Lot Width	(Minimum)	75 Feet
Lot Coverage	(Maximum)	40%
Side Yard, Setback	(Minimum)	10 Feet
Front Yard, Setback	(Minimum)	30 Feet from ROW (Local)
Rear Yard, Setback	(Minimum)	10 Feet
Building Height	(Maximum)	35 Feet or 2 ½ Stories

Subd. 2. **Consistency:** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection. Front and side yard setbacks shall be 30 feet.

Subd. 4. Residential buildings must have a minimum of 24 feet building width

PART #8. (R-4) LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

1408.01. Purpose . To establish and preserve areas for low density residential character and allow for limited agricultural uses in this Ordinance.

1408.02. Permitted Uses.

Subd. 1. Permitted uses as specified by Section 1413.10 are permitted.

Subd. 2. Single - family dwellings.

Subd. 3. Plants nurseries or greenhouses; farms or truck gardens, but no retail stand for the display or sale of agricultural products or any other commercial structure shall be located thereon without a conditional use permit.

Subd. 4. Public parks and playground.

1408.03. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1414.06 of this Ordinance:

Subd. 1. Conditional uses as specified by Section 1413.10 of this Ordinance

Subd. 2. Other rural residential or agriculture related uses determined by the Planning & Zoning Commission to be of the same general nature and character as the principal uses listed for this zoning district and found not to be detrimental to the general public health, safety, moral, and community character.

1408.04. Accessory Uses. Uses customarily incidental and accessory to the residential uses are allowed.

1408.05. (R-4) Lot, Yard, Area and Height Requirements.

Subd. 1. **Lot Requirements**

Lot Area	(Minimum)	2.5 Acres
Lot Width	(Minimum)	150 Feet
Lot Coverage	(Maximum)	30%
Side Yard, Setback	(Minimum)	15 Feet
Rear Yard, Setback	(Minimum)	25 Feet
Front Yard, Setback	(Minimum)	30 Feet from ROW (Local)
Building Height	(Maximum)	35 Feet or 2 ½ Stories

Subd. 2. **Consistency:** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum set back shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.

Subd. 3. On a corner lot, the width of the side yard on the street side shall not be less than thirty (30) feet.

Subd. 4. Future lots not serviced by municipal water and sewer shall not be considered for multiple family use.

Subd. 5. Any residential building must have a minimum of 24 feet building width.

PART #9. (M-H) MANUFACTURED HOME PARK DISTRICT.

1409.01. Purpose. To provide for the general welfare and safety of the community through the organization of land resources for mobile home development within the City of Pierz.

1409.02. Permitted Uses. All uses specified by Section 1413.10 are permitted within the (MH) Manufactured Home Park District.

1409.03. Conditional Uses.

Subd. 1. Conditional uses as specified by Section 1414.06 of this Ordinance.

Subd. 2. Other mobile home related uses determined by the Planning & Zoning Commission to be of the same general character as the principal uses previously listed and found not to be detrimental to the general public health, safety, moral, and community character.

1409.04. Permitted Accessory Uses. Uses incidental and accessory to the principal uses are allowed.

1409.05. Lot, Yard, Area, and Height Requirements.

Lot Area	(Minimum)	6,000 Sq. ft.
Lot Width	(Minimum)	45 Feet
Lot Coverage	(Maximum)	None
Side Yard, Setback	(Minimum)	10 Feet
Rear Yard, Setback	(Minimum)	10 Feet
Front Yard, Setback	(Minimum)	25 Feet from ROW (Local) 75 Feet from ROW (State, County, Federal Roadways)
Building Height	(Maximum)	16 Feet

1409.06. Park Standards.

Subd. 1. Park Requirements:

Lot Area (Park)	(Minimum)	10 Acres
Lot Width (Park)	(Minimum)	300 Feet
Lot Coverage (Park)	(Maximum)	6 Mobile home units per gross acre of land.

Subd. 2. Consistency: Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection.

PART #10. (C-1) COMMUNITY COMMERCIAL DISTRICT.

1410.01 **Purpose.** It is the intent of this district to provide for the establishment of commercial and service activities, which draw from, and serve customers from the community and its surrounding areas.

1410.02. **Permitted Uses.** Permitted uses as specified by section 1413.10 of this ordinance are permitted.

1410.03. **Permitted Accessory Uses.**

Subd. 1. Off-street parking and loading areas in compliance with section 1413.02 and 1413.03 of this Ordinance.

Subd. 2. Commercial or business buildings for a use accessory to the principal use.

1410.04. **Conditional Uses.** The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1414.06 of this Ordinance:

Subd. 1. Conditional uses as specified by section 1413.10 of this ordinance.

Subd. 2. Automobile service stations including sales, gasoline service stations and automobile repair garages, provided that no filling station, public garage or motor fuel station shall be located within two hundred (200) feet from building to building of a school church, hospital or meeting place having a seating capacity of more than fifty (50) persons.

Subd. 3. Drive-in restaurants, drive-in banks and other drive-in services.

Subd. 4. Multiple family dwellings provided that the use is adjacent to or provides off-street parking and the ground level is solely for permitted commercial activities.

Subd. 5. Open outdoor sales, services or rental as an accessory use provided:

- a. the area is fenced or screened from the abutting properties.
- b. sales areas are properly surfaced to control dust.

1410.05. (C-1) Lot, Yard, Area, and Height Requirements.

Subd. 1. Lot Requirements:

Lot Area	(Minimum)	15,000 Sq. ft. 6,000 Sq. ft. for residential and 8,000 Sq. ft. for commercial all lots recorded prior to the date of the adoption of this ordinance
Lot Width	(Minimum)	40 Feet
Lot Coverage	(Maximum)	None
Side Yard, Setback	(Minimum)	3 Feet
Rear Yard, Setback	(Minimum)	10 Feet
Front Yard, Setback	(Minimum)	5 Feet from ROW (Local)
Building Height	(Maximum)	25 Feet or 2 Stories

Subd. 2. **Consistency:** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection.

Subd. 4. Any new construction on existing Residential Property in C1-C2- & Industrial Zones must conform to Residential Zoning Regulations including setbacks.

PART #11. (C-2) HIGHWAY COMMERCIAL DISTRICT.

1411.01. Purpose. It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

1411.02. Permitted Uses. Uses as specified in section 1413.10 of this ordinance.

1411.03 Permitted Accessory Uses.

Subd. 1. All permitted accessory uses in the "C- 1" Community Commercial District.

Subd. 2. Off-street parking and loading facilities including semi-trailers.

1411.04. Conditional Uses. The following uses shall require a Conditional Use Permit based on the proceedings set forth in Section 1414.06 of this Ordinance.

Subd. 1. Conditional uses as specified by section 1413.10 of this ordinance.

Subd. 2. Open air display areas for the sale of manufactured products such as lawn and garden furniture, hardware items, nursery stock, or rental or manufactured products or equipment including mobile home sales lots.

Subd. 3. Recreational camping areas provided:

- a. land area is adequate for the proposed use.
- b. the site is serviced by an adequately paved arterial street.
- c. utilities are provided to each site and approved by the City Council.

1411.05. (C-2) Lot, Yard, Area, and Height Requirements.

Subd. 1. **Lot Requirements:**

Lot Area	(Minimum)	15,000 Sq. ft. 6,000 Sq. ft. for residential and 8,000 Sq. ft. commercial all lots recorded prior to the date of the adoption of this ordinance
Lot Width	(Minimum)	40 Feet
Lot Coverage	(Maximum)	None
Side Yard, Setback	(Minimum)	3 Feet
Rear Yard, Setback	(Minimum)	20 Feet
Front Yard, Setback	(Minimum)	5 Feet from ROW (Local)
Building Height	(Maximum)	25 Feet or 2 Stories

Subd. 2. **Consistency:** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection.

Subd. 4. Any new construction on existing Residential Property in C1-C2- & Industrial Zones must conform to Residential Zoning Regulations including setbacks.

PART #12. (I- 1) INDUSTRIAL DISTRICT.

1412.01. Purpose Intent. It is the intent of this district to provide for and allow a wide range of industrial warehousing and bulk commercial activities in locations which will not conflict with other uses.

1412.02. Permitted Uses.

Subd. 1 Uses as specified in section 1413.10 of this ordinance.

Subd. 2. Any branch of trade or industry employing labor and capital activities not allowed in commercial districts, activities which do not require steam, diesel or gasoline engines as a prime mover excepting that no industry or use noxious by reason of odor, dust, smoke, noise or gas shall be included which interferes with other permitted uses.

1412.03. Permitted Accessory Uses.

Subd. 1. Off-street parking and loading.

Subd. 2. Open and outdoor storage.

Subd. 3. Offices accessory to a principle use.

1412.04. Conditional Uses. The following uses shall require a Conditional Use Permit based on the proceeding set forth in section 1414.06 of this Ordinance.

Subd. 1. Conditional uses as specified by section 1413.10 of this ordinance.

1412.05. (I-1) Lot, Yard, Area, and Height Requirements.

Subd. 1. Lot Requirements:

Lot Area	(Minimum)	20,000 Sq. ft. 8,000 Sq. ft. for all lots recorded prior to the date of the adoption of this ordinance
Lot Width	(Minimum)	100 Feet
Lot Coverage	(Maximum)	None
Side Yard, Setback	(Minimum)	10 Feet
Rear Yard, Setback	(Minimum)	10 Feet
Front Yard, Setback	(Minimum)	25 Feet from ROW (Local) 75 Feet from ROW (State, County, Federal Roadways)
Building Height	(Maximum)	40 Feet

Subd. 2. **Consistency:** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the existing structure. In no case shall the front yard setback requirement exceed the minimum required in Section 1 of this subsection.

Subd. 3. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than the minimum in Section 1 of this subsection.

Subd. 4. Any new construction on existing Residential Property in C1-C2- & Industrial Zones must conform to Residential Zoning Regulations including setbacks.

PART #13. GENERAL REQUIREMENTS.

1413.01. **Intent.** The intent of this section of the Zoning Ordinance is to establish general development performance standards, the regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

1413.02. Parking and Loading Requirements. In all zoning districts, with the exception of permitted uses in "C- 1" District, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

Subd. 1. Loading space shall not be construed as supplying off-street parking space.

Subd. 2. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

Subd. 3. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.

Subd. 4. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.

Subd. 5. The location of required off-street parking facilities for other than dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.

Subd. 6. Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts if screened by a green-belt eight (8) feet in width.

Subd. 7. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for similar uses.

Subd. 8. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the items listed in Sections 1413.02 and 1413.03.

Subd. 9. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.

Subd. 10. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the spaces so required and shall be irrevocably reserved for such use.

- a. Single-family, two-family and townhouse units, One (1) space per unit.

- b. Multiple family dwellings, two (2) spaces per unit located on the same premises as the dwelling, one of which shall be an enclosed garage space. Any garage shall be of the same architectural treatment as the dwelling.
- c. Boarding houses, hotels- motels and dormitories, one (1) parking space for each dwelling for whom sleeping accommodations are provided.
- d. Places of Assembly. one (1) parking space shall be provided for each four (4) units of seating capacity in churches, theaters, gymnasiums, auditoriums, stadiums or arenas, and for schools (public or private), in schools (public or private) in the alternative, one parking space shall be provided for each four (4) units of seating capacity in classrooms or in the assembly, auditorium, gymnasium or stadium, whichever is greater.
- e. Places of medical treatment One (1) parking space shall be provided for each two (2) employees plus one (1) for each four (4) beds in hospitals, rest homes and nursing homes, one (1) parking space shall be provided for each two (2) employees plus one (1) for each doctor plus one (1) per one hundred (100) square feet of floor area in clinics (medical or dental).
- f. Offices. One (1) parking space shall be provided for each two-hundred fifty (250) square feet of floor space.
- g. Bowling Alley. At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related use contained within the principal structure.
- h. Motor fuel station. At Least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.
- i. Retail store and service establishment. At least one (1) off-street parking space for each two hundred fifty (250) square feet of floor area.
- j. Restaurants, nightclubs, taverns or cafes, One (1) parking space for each four (4) seats, but not less than fifteen (15) spaces.
- k. Manufacturing, fabrication or processing of a product or material warehouse, storage, handling of bulk goods, post offices. One (1) parking space for each two (2) employees based on the maximum planned employment on each shift or one (1) space for each four hundred (400) square feet of floor area, whichever is greater.

1. Retail sales and service business with fifty (50) percent of gross. Floor area devoted to storage, warehouses and/or industry. One (1) space for each two hundred fifty (250) square feet devoted to public sales and/or service plus one (1) space for each five hundred (500) square feet of storage area or one (1) space for each employee on the maximum shift whichever is appropriate.
- Subd. 11. In all districts where off-street parking lots are permitted or required such off-street parking lots shall be constructed and maintained subject to the following regulations:
- a. Adequate ingress and egress shall be provided.
 - b. Such parking lots shall be maintained in a usable dust-proof condition and shall be kept graded and drained to dispose of surface water.
 - c. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of three (3) feet from said lot line shall be required.
 - d. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.

1413.03. Off-Street Loading.

Subd. 1. In Commercial and Industrial Zoning Districts, truck berths for loading and unloading of goods or wares shall be provided on the same lot for each building designed to be used for these purposes. Where truck berths are provided inside the building, such area shall not be included in the total floor area used for determining the required number of such berths, nor for parking space requirements.

Subd. 2. Retail stores, shopping centers or shops shall provide one (1) truck berth for each two (2) business places or one (1) for each twenty thousand (20,000) square feet of floor area, whichever is greater.

Subd. 3. Industrial and manufacturing uses shall provide one (1) truck berth for each twenty thousand (20,000) square feet of floor area.

1413.04. Accessory Buildings in Residential Districts (R-1, R-2).

Subd. 1. In all residential districts detached accessory buildings shall be located in the rear yard. When located within ten (10) feet of the rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where accessory buildings are to be located more than ten (10) feet from a rear wall of the principal building they shall not be located closer than ten (10) feet from an adjoining side or rear lot line. All detached accessory buildings shall setback a minimum of twenty (20) feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one (1) story or twenty (20) feet in height.

Subd. 2. All accessory buildings, except temporary accessory structures, shall have a compatible exterior material as, and conform in design to the principal structure.

Subd. 3. No lot may have more than two (2) detached accessory buildings.

Subd. 4. All detached accessory buildings may not exceed 864 square feet each. Exceptions may be allowed for larger buildings if the Lot size permits & 40% green space remains.

Subd. 5. All garages shall, if the vehicle entrance backs upon a public alley, be set back at least twenty (25) feet from the public alley right-of-way.

Subd. 6. In no case shall the door of any structure, building or improvement, except a fence, be erected or constructed so as to extend beyond any lot line.

Subd. 7. Temporary accessory structures may be allowed for a designated length of time and design as approved by the planning and zoning commission. Any temporary accessory structure used more than six (6) months in any one calendar year may be considered permanent and must follow regular zoning ordinances for accessory buildings.

1413.05. General Fencing, Screening, Landscaping and Storage.

Subd. 1. All materials and equipment, except as provided in the district provisions of this Ordinance, shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:

- a. usable laundry equipment (clothes lines).
- b. currently licensed recreational equipment and vehicles to a maximum of two,
- c. construction and landscaping material currently being used on the premises.

Subd. 2. In all commercial and industrial districts adjacent to residential districts, and not divided by streets, there shall be provided along the property line a twenty (20) foot wide planting strip composed of grass, trees and shrubs. A screening fence, thereby reducing the screening strip to ten (10) feet, may be utilized when approved by the Planning & Zoning Commission. Such fence shall not exceed eight (8) feet in height nor be less than six (6) feet in height and shall screen up to eighty (80) percent per square yard of area.

Subd. 3. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sod, shrubs or other acceptable vegetation or landscaping techniques.

Subd. 4. In all cases where the rear yard of any property abuts an alley or street, the minimum setback requirement for fences shall be twenty feet (20') for solid fencing and not less than six feet (6') from the alley surface or to the right-of-way, whichever is greater, for chain link fencing with clear, unobstructed openings of 1 5/8" to 2".

Subd. 5. General Fence Provisions.

1. Height:

- a. Front Yard Height - The fence shall not exceed four (4) feet (with an additional 6" to compensate for changes in grade) and shall be ornamental or picket style. Ornamental fences shall include fences constructed of aluminum, wrought iron or steel and shall not include chain link fences.
- b. Side and Rear Yard Height – The fence shall not exceed six feet six inches (6.5 ft) in residential zones. However, the height of the post structure (which includes the distance from grade) shall not exceed seven feet (7'0"). In case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

2. Fence materials:

- a. Fences in residential, commercial or industrial areas must be constructed of lumber, iron, maintenance free type material or rust-free chain link. Maintenance free type material shall include vinyl, plastic, wrought iron, aluminum, steel and rust resistant chain link.
- b. The following materials are prohibited for fences:
 - i. Barbed wire, electrical fences, creosote lumber, woven or welded wire, chicken wire, plastic webbing, plywood or pressed wood
 - ii. Makeshift, flimsy materials, such as paper, twine, rope, tin

3. Placement:

- a. Fences shall be placed at least two feet (2') within the property line unless the adjacent property owner consents in writing to the ability for the applicant to construct and maintain the fence directly on the property line or closer than two feet (2'). Written consent shall be delivered to the City at the time application is made for permit. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced. The side of the fence considered to be its evident finished side or face (the more attractive side) shall front adjacent property.
- b. On corner lots, no fence, wall, structure, coniferous trees or obstruction higher than thirty inches (30"), other than chain link fences not exceeding 48 inches (48") in height, shall be erected, established or maintained within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty feet (20') from the intersection of lot lines. An object within this area not exceeding thirty inches (30") in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision. This section does not apply to the C-1 District.
- c. Fences shall not be placed within ten (10) feet of the curb, and/or surface of any street, road or alley.
- d. No fence shall be placed on or extend into public right-of-way.
- e. Removal and replacement of a fence or a portion thereof for the purpose of utilizing an easement shall be at the property owner's expense.
- f. No fence shall be constructed which is approximately parallel to an existing fence, and closer than two feet as to create an area between the fences which has limited accessibility for purposes of maintenance unless maintenance can be achieved.

4. Construction and Maintenance:

- a. Maintenance free fences and lumber fences within side and rear yards shall have a maximum panel width of six (6) inches. Fences extending across front yards shall have a maximum panel width of three (3) inches and no less than two (2) inches apart.
- b. All wood fences, other than those constructed out of redwood or cedar, shall be sealed, stained or painted upon completion of construction and all wood fences routinely thereafter.
- c. Chain link fences shall be constructed in such a manner that no barbed ends shall be at the top.

1413.06. Signs.

Subd. 1. **Purpose.** To protect the general health, safety, comfort, and welfare of the people of the City through the provision of official controls regulating the use of signs within the City. The regulation provided by this ordinance will also provide for the aesthetic quality of the City as well as provide for adequate property identification and advertising of commercial businesses.

Subd. 2. General Sign Provisions.

- a. All signs are considered structures and require a zoning permit.
- b. Signs for discontinued business shall be removed after notification by the Planning & Zoning Commission.
- c. Conditional Use Permits and Zoning Permits shall consider protecting the sight distance at intersections, driveways, and curves.
- d. All flashing, revolving, and intermittently lighted signs are expressly prohibited.
- e. Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct, or caution traffic including, but not limited to octagonal STOP signs, speed limit signs, advisory speed limit signs, community recognition sign panels, or other similar regulatory or identification signs.
- f. All Public Signs and Name Directory signs placed by the City, County, businesses or residents which relate to the laws or ordinances, or to provide direction shall be exempt from the provisions of 1413.06 Subd. 2.
- g. A non-conforming sign may be refaced, removed, and replaced for maintenance purposes, however the sign shall not be increased in size, the support system shall not be improved, and the sign shall be entirely removed upon the determination by the Planning & Zoning Commission that the sign is in disrepair or the support system is failing.

Subd. 3. **Residential Districts.** No signs shall be erected in the residential districts except as follows:

- a. Signs displaying the name only of the property on the premises upon which displayed or the owner or lessee thereof. Such signs shall not exceed three (3) square feet in area.
- b. Signs not exceeding eight (8) square feet in area pertaining only to the sale, rental, or construction of the premises upon which displayed. Such signs shall be considered temporary and removed within 30 days of the sale, rental, or construction of the premises upon which the sign is displayed.
- c. Signs for home occupations affixed immediately to the structure by which the use is taking place, and not exceeding three (3) square feet in area.

Subd. 4. **Commercial and Industrial Districts:** The following provisions apply to signs within the Commercial and Industrial Districts:

- a. The total of the area of all signs measured in square feet shall not exceed two (2) times the number of lineal feet of each street frontage of each zoning lot.
- b. No sign shall overhang public ways or property.
- c. The gross square foot surface of all illuminated signs shall not exceed the number of lineal feet of frontage of such zoning lot.

Subd. 5. **General Onsite Signs.** Upon the enactment of this ordinance, the following provisions apply:

- a. Present non-conforming onsite signs are considered permissible non-conforming uses except as provided by this ordinance.
- b. No sign erected prior to the adoption of this ordinance shall be rebuilt, altered, or moved to a new location on the property without being brought into compliance with the provisions of Section 1413.06.

Subd. 6. **Off-Site Signs.** The use of Logo Signs as specified by Minnesota Statutes 160.80 is permitted along Trunk Highways.

Subd. 7. **Temporary Signs.**

- a. There shall be no more than one temporary sign on any lot, and such sign shall not exceed thirty-two (32) square feet in size for commercial districts and sixteen (16) square feet for residential districts.
- b. Temporary signs shall require a permit that can only be renewed three (3) times annually.
- c. The duration of a temporary sign permit shall not exceed thirty (30) days except as described in this section.
- d. The Planning and Zoning Commission may document the duration of any temporary sign and require its removal if it is displayed for more than its permitted duration unless it meets all standards for permanent signs. For the purposes of this subsection 7, the Planning and Zoning Commission can ignore intermittent removal of said temporary signs if the clear intent of the owner is to display this sign for more than the permitted duration.

Subd. 8. **Other Signs.**

- a. All political posters or signs in accordance with applicable Minnesota Statutes are considered temporary and allowed without permit provided they are removed within ten (10) days following the election for which they are intended.
- b. Private signs are prohibited within public right-of-way (ROW) easements.

1413.07. **Dwelling Unit Restrictions.**

Subd. 1. No basement, except when used as a portion of the living space of the family, or is within an earth sheltered home, cellar, garage, tent, mobile home, or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently except as elsewhere allowed in this Ordinance.

Subd. 2. Except in the case of planned unit developments provided in Part 4.0 of this Ordinance, not more than one (1) principal building shall be located on a lot.

Subd. 3. On a through lot (a lot fronting on two (2) parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.

1413.08. General Performance Standards.

Subd. 1. **Sewage Connection Required:** All sewage facilities shall be connected to community sewer facilities when available. This provision shall not apply to temporary construction sites, or portable units.

Subd. 2. **Lighting; Glare:** Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflecting glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Subd. 3. **Smoke:** The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards and as subsequently expanded, modified or amended.

Subd. 4. **Dust and other particulate matter:** The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards and as subsequently expanded, modified, or amended.

Subd. 5. **Odors:** The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards and as subsequently expanded.

Subd. 6. **Noise:** All noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency or shrillness and as measured at any property line, shall not exceed the maximum standards established by the State of Minnesota.

1413.09. Height and Yard Exceptions.

Subd. 1. Chimneys, elevator bulk head, fire towers, grain elevators, silos, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure. Solar collectors will be considered on an individual basis as a variance as set forth in 1414.05.

Subd. 2. Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space. However, this provision shall not apply to a fireplace or chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space. This shall also not apply to unenclosed porches or other ground level unenclosed projections which may extend into a front or rear yard not more than six (6) feet, or into a side yard not more than three (3) feet.

LAND USE	R1	R2	R3	R4	M-H	C1	C2	I1
Auto sales, rental						CP	P	P
Bakery goods, sales, and baking of goods for retail sale off premises						P	P	
Barber Shop/Beauty Shop						P	P	
Boat Marine Sales & Repair							P	P
Book, office supply, and stationary store						P	P	
Candy, ice cream, popcorn, frozen deserts and soft drink shops						P	P	
Churches	P	P	P	P	CP	CP	CP	
Delicatessen, and/or convenience store/limited service station						P	P	
Department Store						P	P	
Drug store						P	P	
Dry cleaning and laundry pickup stations including pressing/repair						P	P	
Essential service structures	CP	CP	CP	CP	CP	P	P	P
Florist, gift, or novelty store						P	P	
Gas Stations/service stations						P	P	
Golf Courses, Country club's tennis clubs, public swimming pools				CP		CP	CP	CP
Grocery, produce store						P	P	
Hardware, building supplies						P	P	P
Hobby store						P	P	P
Laundromat (Self-service)						P	P	P
Liquor Store						P		
Meat market not including a processing locker						CP	CP	P
Motels/hotels						CP	P	
Museums and art galleries						P	P	
Music Store						P	P	
Newsstand						P	P	
Nonprofit clubs and lodges	CP	CP	CP	CP		P	P	
Photographic studio						P	P	
Physical culture and dance studios	CP	CP	CP	CP		P	P	
Record shop						P	P	
Restaurant, café, tearoom						P	P	

LAND USE	R1	R2	R3	R4	M-H	C1	C2	I1
Shoe sales and repair						P	P	
Small appliance repair shop						P	P	
Sporting goods stores						P	P	
Studios. art/photo/music						P	P	
Theatres						CP	CP	
Video stores						P	P	
Wearing apparel stores						P	P	
Office, Service								
Accounting, auditing, bookkeeping	CP	CP	CP	CP		P	P	
Advertising offices						P	P	
Banks, financial institutions						P	P	
Business and management consultant offices						P	P	
Business associations						P	P	P
Business office						P	P	
Chiropractic offices	CP	CP	CP	CP		P	P	
Civic/social and fraternal association offices						P	P	
Human care clinics						P	P	
Consumer and mercantile credit reporting						P	P	
Contractors offices						P	P	
Daycare centers	CP	CP	CP	CP		P	CP	
Detective and protective service agencies						P		
Educational and scientific research offices						CP	P	P
Employment agency offices						P	P	
Engineering and architectural offices						P	P	
Funeral home	CP	CP	CP	CP		CP	CP	
Government/municipal	CP	CP	CP	CP	CP	P	P	P
Hospitals						CP	CP	
Insurance offices	CP	CP	CP	CP		P	P	
Investment offices	CP	CP	CP	CP		P	P	
Labor union offices						CP	CP	CP
Laboratories						CP	CP	CP
Legal offices	CP	CP	CP	CP		P	P	
Loan institutions						P	P	
Medical and dental offices						P	P	
Medical/dental with accessory research & testing						CP	CP	CP

LAND USE	R1	R2	R3	R4	M-H	C1	C2	I1
Nursing Home	CP	CP	CP	CP				
Office services						P	P	
Offices of a general nature (500 or fewer employees)						P	P	CP
Osteopathic and optometry offices	CP	CP	CP	CP		P	P	
Post office						P	P	
Professional offices (less than 50 employees)						P	P	
Professional offices (less than 10 employees)	CP	CP	CP	CP		P	P	P
Professional membership organizations						P	P	P
Real estate offices	CP	CP	CP	CP		P	P	
Schools	CP	CP	CP	CP				
Industrial Related								
Automobile painting, upholstering, major repair						CP	CP	CP
Adult Entertainment-related								CP
Bus terminals						P	P	P
Contractor's yards							CP	P
Fabrication							CP	P
New & Used Farm Equipment						CP	CP	CP
Ice, cold storage plants, bottling works								CP
Machine shops							CP	P
Manufacturing							CP	P
Paint mixing							CP	CP
Paper products from previously processed paper								CP
Radio and television studios						CP	P	
Scrap yards, junk yards								CP
Warehouse and wholesaling						CP	P	CP

1413.11. Non-Conforming Uses.

Subd. 1. The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the district provisions herein.

Subd. 2. A non-conforming use may be extended throughout the existing building or structure, provided no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life.

Subd. 3. Any non-conforming building or structure damaged more than fifty (50) percent of its then appraised value, exclusive of foundations at the time of damage by fire, collapse, explosion or acts of God or public enemy, shall not be restored or reconstructed and used as before such happening, unless a building permit has been applied for within 180 days of the date of damage or construction, and that it be built of like or similar materials, or the architectural design and building materials are approved by the Planning & Zoning Commission. After 180 days, it shall not be reconstructed except in conformity with the City Code.

Subd. 4. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions it shall not thereafter be changed to a non-conforming use of less restricted district.

Subd. 5. In the event that a nonconforming use of any building or building and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted within the district in which the subject property is located.

Subd. 6. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

Subd. 7. Any proposed structure which will under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans, provided construction is started within sixty (60) days of the effective date of this Ordinance, is not abandoned for a period of more than one hundred twenty (120) days and continues to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and use.

1413.12. Lot Splits.

Subd. 1. **Definition:** A lot split is the division of one or more lots.

Subd. 2. **Permitted.** Lot splits are permitted without platting provided the following conditions are met:

- a. The lot or lots have frontage on an existing improved street and access to municipal services.
- b. The lot or lots to be divided are previously platted land.
- c. What remains of the original or newly created lot or lots meet the minimum standards for lot width and area for the zoning district in which they are located (for lots platted prior to 1982):
 - R1 Medium Density SF Residential – 8,000 Square Feet
 - R2 Greater Density SF Residential – 12,000 Square Feet
 - R3 Multi-Family Residential – 8,000 Square Feet
 - R4 Low Density SF Residential – 2.5 Acres
 - MH Mobile Home Park – 6,000 Square Feet
 - C1 Community Commercial – 6,000 Square Feet
 - C2 Highway Commercial – 6,000 Square Feet
 - I1 Industrial – 8,000 Square Feet
- d. What remains of the original or newly created lot or lots meet the minimum standards for lot width and area for the zoning district in which they are located (for lots platted after 1982):
 - R1 Medium Density SF Residential – 15,000 Square Feet
 - R2 Greater Density SF Residential – 12,000 Square Feet
 - R3 Multi-Family Residential – 15,000 Square Feet
 - R4 Low Density SF Residential – 2.5 Acres
 - MH Mobile Home Park – 6,000 Square Feet
 - C1 Community Commercial – 15,000 Square Feet
 - C2 Highway Commercial – 15,000 Square Feet
 - I1 Industrial – 20,000 Square Feet
- e. The zoning of the parcels created in the division will be to the discretion and approval of the Planning and Zoning Board and Pierz City Council.
- f. The division does not result in the creation of a nonconforming structure or use.

Subd. 3. **Application:** Application must be made for all lot splits and must include an application, survey or mapping of the proposed lot split, and payment of the lot split fee. The Planning and Zoning Commission has the authority to make recommendations regarding lot split applications to the City Council. If conditions are not met, the applicant may apply to the Board of Zoning Appeals for consideration of a variance from the required condition(s).

PART #14. ADMINISTRATION.

1414.01. Planning and Zoning Commission.

Subd. 1. **Appointment:** This Ordinance shall be administered and enforced by the Planning and Zoning Commission appointed by the City Council. In the absence of the appointed Planning and Zoning Commission, the City Administrator shall assume the powers and duties of the Planning and Zoning Commission under this Ordinance.

Subd. 2. **Powers and Duties:** Powers and duties of the Planning & Zoning Commission shall include the following:

- a. Determine if applications comply with the terms of this Ordinance. Conduct inspections of buildings and land use as necessary to determine compliance with this Ordinance.
- b. Maintain permanent records of this Ordinance including, but not limited to maps, amendments, conditional uses, variances, appeals, and applications.
- c. Receive, file and forward all applications for appeals, variances, conditional use permits, and amendments to designated officials.
- d. Institute Actions or Proceedings: The Planning & Zoning Commission shall notify, in writing, any persons in violation of this ordinance, indicating the nature of the violation, action necessary to correct the violation, or proceedings against a violator.
- e. To communicate with the Minnesota Department of Natural Resources as required by this ordinance.
- f. To recommend zoning / land use permits to be submitted to the City Council for final approval.

1414.02. Planning & Zoning Commission.

Subd. 1. Composition and Organization.

- a. The Planning & Zoning Commission shall consist of five (5) members appointed by the City Council. The Planning & Zoning Commission members shall act as liaisons to the City Council.
- b. Appointment: Each member shall be appointed to a three-year (3) term with no more than two (2) terms expiring each year. The City Council liaisons shall be appointed annually by the City Council. All vacancies shall be filled for the remainder of the term by an appointee of the Mayor, approved by the City Council.
- c. Residency: All members shall be residents of the City of Pierz.
- d. Officers: The Commission shall elect a chairperson, vice chairperson, and secretary from its membership annually. The City Clerk shall provide staff support and administrative duties to the Commission.
- e. Quorum: Attendance of at least fifty one percent of membership (51%) shall constitute a quorum. All actions by the Planning & Zoning Commission requires the affirmative vote of a quorum.

Subd. 2. Duties.

- a. Consider, review and make recommendations on appeals, zoning / land use permits and petitions.
- b. Hold and conduct hearings, consider and make recommendations with findings on all variance requests, conditional use permit requests, proposed plats and floor plans.
- c. To review and provide recommendations and findings on requests for conditional use permits and variance requests.
- d. To review and provide recommendations to the City Council for proposed plats or floor plans and provide recommendations on final plats and final floor plans as specified by this ordinance.
- e. To provide for or initiate review of the City of Pierz Comprehensive Plan, Zoning Ordinance, Zoning Map, or other documents and provide recommendations to the City Council regarding the amendment of any such documents.

1414.03. Board of Adjustments and Appeals.

Subd. 1. The City Council may provide for a Board of Appeals and Adjustments, by resolution, to perform duties under section 1414.02 of this ordinance. The Planning & Zoning Commission may make a request to the City Council to provide for a Board of Adjustments and Appeals if determined that Planning & Zoning Commission workload and City needs warrant it. Until the time such a resolution is approved by the City Council, the Planning & Zoning Commission shall serve as the Board of Appeals and Adjustments.

1414.04. Fees.

Subd. 1. **Fees Established:** Fees for building permits, rezoning, variance, conditional use permit, or amendment shall be established by the City Council. The City Council may review and revise the schedule of fees periodically.

Subd. 2. Payment Required:

- a. No permit shall be issued, or rezoning, variance, conditional use permit, subdivision or amendment request shall be considered until all fees are paid in full. All fees are payable to the City Clerk at the time of submission of required application materials to the City. The City shall not accept applications made by an applicant having any past due fees or charges due until the account is made current.
- b. All costs to the City exceeding the original fees in processing or reviewing an application shall be borne by the applicant. Such costs may include, but are not limited to additional City staff time, mailing costs, consultant fees, or any other professional services the City deems necessary to provide sufficient review of application materials. All such additional fees shall be paid prior to the issuance of any permit, rezoning, variance, conditional use permit, or amendment.
- c. All applications made after any construction or improvements are began shall pay two (2) times the original application fees as prescribed by the schedule of fees adopted by the City Council.
- d. Exemption: Municipal corporations and governmental agencies shall be exempt from the fee requirements as prescribed by this ordinance.
- e. Refund: All fees filed with the City Clerk are not refundable unless application is withdrawn prior to the date of the first regular Planning & Zoning Commission meeting in which the application is considered. In such case, all application fees shall be refunded less any costs incurred by the City in the review of the application.

1414.05. Variances. Where the City Council, upon receiving recommendation from the Planning & Zoning Commission, finds that unique circumstances may exist and a request to vary from compliance with these zoning ordinances will result in a reasonable use and will not alter the characteristics of the neighborhood, variances may be granted.

Subd. 1. Application.

- a. Application shall be made for issuance of a variance to the Planning & Zoning Commission at least thirty (30) days prior to the scheduled public hearing date.
- b. All applications for variance shall include a certificate of survey unless waived by the Planning & Zoning Commission, and a detailed proposal with accurate legal description. The application shall not be considered complete until all applicable fees are paid, and the application is signed by the fee or contract owner of the property. No application shall be considered by the City to be complete until all past due fees or charges are paid in full by the applicant.
- c. All property owners of record within three hundred and fifty feet (350') shall be notified of the public hearing and public notice of the hearing placed in the official newspaper of the City not less than 10 days before the public hearing date. In the event a variance is requested within a shore land/floodplain area the Commissioner of Natural Resources shall be given same notice of the scheduled public hearing not less than 10 days before the public hearing date.

Subd. 2. Review: The City Council shall consider the recommendation of the Planning & Zoning Commission based upon the existence of all of the following conditions:

- a. Reasonable use of the property does not exist under this ordinance and the strict interpretation of the ordinance make the situation a unique circumstance, and
- b. The strict interpretation of the ordinance would be impractical due to circumstances relating to the lot size, shape, topography, or other features of the property not created by the landowner, and
- c. The variance from the ordinance, including any attached conditions, is still in keeping with the spirit and intent of the ordinance, and the comprehensive plan,
- d. The variance will not create a land use not permitted within the zoning district of the property, and
- e. The variance will not alter the essential character of the locality

Subd. 3. Variances shall be issued to the property and are not transferable.

Subd. 4. No application for a variance which has been previously denied shall be resubmitted to the City for at least six (6) months from the date of denial.

Subd. 5. In granting a variance, the Planning & Zoning Commission or Board of Adjustments and Appeals may impose conditions to ensure compliance and protect adjacent properties. Violation of any condition set forth in the granting of a variance shall constitute a violation of this ordinance and thereby terminates the variance.

Subd. 6. Failure by a landowner to act upon a variance within one (1) year of the issuance shall void the variance unless extended by the City Council.1414.06. Conditional Use Permits (CUP).

1414.06. Conditional Use Permit.

Subd. 1. Application.

- a. A complete application for conditional use permit approved by the City Council shall be made for issuance of a conditional use permit to the Planning & Zoning Commission at least thirty (30) days prior to the scheduled public hearing date. No application shall be considered by the City to be complete until all past due fees or charges are paid in full by the applicant.
- b. All applications for a conditional use permit shall include a certificate of survey unless waived by the Planning & Zoning Commission, and a detailed proposal with accurate legal description. The application shall not be considered complete until all applicable fees are paid, and the application is signed by the fee or contract owner of the property.
- c. All property owners of record within three hundred and fifty feet (350') shall be notified of the public hearing and public notice of the hearing placed in the official newspaper of the City not less than 10 days before the public hearing date. In the event a conditional use permit is requested within a shoreland/floodplain area the Commissioner of Natural Resources shall be given same notice of the scheduled public hearing not less than 10 days before the public hearing date.

Subd. 2. **Review:** The following shall be considered in review applications for conditional use permit:

- a. The conditional use is consistent with the uses prescribed within the zoning districts in this ordinance.
- b. The conditional use, including any conditions, conforms to the comprehensive plan.

- c. The use is compatible within the general vicinity of the property.

Subd. 3. Consideration should also be given to the following:

- a. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the immediate vicinity.
- b. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area
- c. The conditional use will not impede or congest traffic along adjacent roadways and provide for sufficient off-street parking and loading space to serve the proposed use.
- d. Adequate measures have been taken to mitigate offensive odors, fumes, dust, noise, vibration, lighting, and other potential nuisances to ensure compliance with this ordinance.

Subd. 4. Conditions: In providing for review of the conditional use permit the Planning & Zoning Commission may impose, in addition to the standards and requirements of this ordinance, additional conditions that the Planning & Zoning Commission considers to be necessary to protect the best interest of the general vicinity of which the conditional use is proposed and the entire City. These conditions may include, but are not limited to the following:

- a. Increasing the required lot size or yard dimension.
- b. Limiting the height, size, or location of buildings.
- c. Controlling the location and number of vehicle access points, increasing street width, or increasing or decreasing the number of off-street parking spaces.
- d. Limiting the number, location, size, or lighting of signs.
- e. Requiring landscaping, open space, screening or other facilities or measures to protect adjacent properties or properties within the general vicinity of the proposed conditional use.

Subd. 5. **General Requirements and Restrictions:**

- a. A violation of any condition set forth in a conditional use permit shall be a violation of this ordinance and thereby terminates the conditional use permit.
- b. Conditional use permits may be transferable where requested by the applicant and approved by the City Council.

- c. Failure by a landowner to act upon a conditional use permit within one (1) year of the issuance shall void the conditional use permit unless extended by the Board of Adjustments and Appeals or the Planning & Zoning Commission.
- d. If the use by which the conditional use permit was granted is discontinued for a period of ninety (90) days or longer, the conditional use permit shall become void unless otherwise determined by the Planning & Zoning Commission and the City Council.

1414.07. Building Permits. It shall be unlawful to proceed with construction, alteration, repair, remodeling, enlargement, demolition, removal, or placement prior to obtaining a building permit. A Permit is required to move or construct any structure, regardless of size, in all districts: Residential, Commercial or Industrial. (Building Inspection fees will be waived for any structure of 10'x12' size or smaller.)

Subd. 1. Application and General Requirements:

- a. Where a proposed use requires action by the Planning & Zoning Commission, Board of Adjustments and Appeals, or the City Council or posting of a financial security, said action shall occur, and the conditional use permit, variance, final plat plan, zoning district change shall be approved, or security posted, prior to the issuance of a building permit.
- b. Requests for a building permit shall be made to the Planning & Zoning Commission, at least five (5) days before regularly scheduled City Council Meetings.
- c. Each application shall contain a site plan drawn to scale showing structures to be erected or moved onto the lot. Emergency 911 addressing numbers shall also be indicated on the site plan.
- d. Failure of the applicant to act upon the building permit within 300 days of the date of issue shall cause the building to become void unless otherwise determined by the Planning & Zoning Commission. All exterior work authorized by the permit shall be completed within 180 days of the issuance.
- e. No building permit shall be issued to any applicant having past due fees or charges to the City until the account is paid in full.
- f. Violation of a building permit or any section of this ordinance shall cause a building permit to become void.
- g. All building permits, including any conditional use permits or variances, shall be posted upon the site of the property by which the permit was issued, as to be visible from the nearest public roadway.

- h. Building permits for new shingles, siding, and minor repairs can be approved by the City Administrator or City Building Official, if no exterior shape or size is changed. All other building permit applications must be presented to the Planning and Zoning Commission for approval. The Planning and Zoning Commission must do an onsite inspection before any permit can be approved or denied. Final approval of building permits must be approved by the City Council.

1414.08. Subdivision. The procedures for subdivision of lands are set forth in Chapter 13 Part 6.

1414.09. Appeals. Appeal of Planning & Zoning Commission Decision: Any property owner may appeal any decision made by Planning & Zoning Commission under this ordinance to the City Council within sixty (60) days of the filing of the decision of the Planning & Zoning Commission. Appeal of City Council Decision: Any property owner may appeal a decision made under this ordinance to the District Court of Morrison County, MN.

1414.10. Violations.

Subd. 1. **Misdemeanor:** Violation of this ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed nine hundred dollars (\$900.00) and/or imprisonment for a period not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

Subd. 2. **Additional Remedies:** In the event of a violation or a threatened violation of this ordinance, the City Council, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations and may delegate to the City Attorney the duty to institute such action.

Subd. 3. **Mandamus Proceedings:** Any taxpayer may institute mandamus proceedings in District Court to compel specific performance by the proper official of any duty required by this ordinance.

1414.11. Repeal of Conflicting Ordinances. This ordinance hereby repeals THE ZONING ORDINANCE OF THE CITY OF PIERZ (2005). Any ordinance existing at the time of adoption of this ordinance together with all amendments and supplements thereto, and all other ordinances promulgated by the City of Pierz which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency and no further, hereby repealed.

PART #15. AMENDMENTS.

1415.01. Amendments and Initiation. The regulations, restrictions and boundaries set forth in this ordinance may be amended, supplemented, or repealed in accordance with the provisions of this section. Amendments to change the boundary of any zoning district shall require a 4/5 affirmative vote by the City Council. All other amendments shall require a majority vote of the City Council.

Subd. 1. Types of Amendments:

- a. A change in zoning district boundary or official zoning map.
- b. A change in zoning district regulation.
- c. A change in any other provision of this title.
- d. A change in the comprehensive plan.

Subd. 2. Initiation of Proceedings: Proceedings for amending this ordinance shall be initiated by at least one of the following three (3) methods:

- a. By petition by a property owner to rezone their property.
- b. By recommendation of the Planning & Zoning Commission.
- c. By action of the City Council.

1415.02. Procedure.

Subd. 1. Application by Property Owner: An application for amendment stating the nature of the amendment shall be submitted to the Planning & Zoning Commission. The application may include maps, surveys, general development plans, or any other information pertaining to the application for amendment.

Subd. 2. Referral to Planning & Zoning Commission: An amendment not initiated by the Planning & Zoning Commission shall be referred to the Planning & Zoning Commission for study and report and may not be acted upon by the City Council until recommendation is made by the Planning & Zoning Commission or until sixty (60) days have elapsed.

Subd. 3. Hearing and Notice Required: The Planning & Zoning Commission shall hold a public hearing for all initiated amendments. A notice of the time, place, and purpose of the hearing shall be noticed within the official newspaper of the City not less than ten (10) days prior to the public hearing date. Notice of the hearing shall also be sent by regular mail to all property owners of record within three hundred and fifty feet (350') of the subject property. A copy of the notice and a list of all property owners sent notice shall become a part of the public record. Failure to mail the notice or failure of property owners to receive notice shall not invalidate the public hearing.

Subd. 4. Notice by Publication Sufficient: For amendments related to this ordinance or the comprehensive plan, notice published in the official newspaper of the City not less than ten (10) days prior to the scheduled public hearing shall be sufficient notice.

Subd. 5. Reconsideration of Amendments: No amendment denied by the City Council shall be considered by the Planning & Zoning Commission for a period of one year after the date of denial unless the Planning & Zoning Commission or City Council determines new evidence, or a change of circumstances warrant such action.

PART # 16 ZONING MAP.